

**Minutes of the Regular Planning Board Meeting
Monday, July 9, 2007**

1. CONVENE: 7:07 p.m.
2. FLAG SALUTE: Board member Mariani
3. ROLL CALL: President Lynch, Vice President Cook, Cunningham, Ezzy Ashcraft, Kohlstrand, Mariani and McNamara.

Also present were Planning Services Manager Andrew Thomas, Assistant City Attorney Donna Mooney, Supervising Planner Doug Garrison, Public Works Obeid Khan.

4. MINUTES:
 - a. Minutes for the meeting of June 25, 2007.

Board member Cunningham noted that page 7, paragraph 4, should be changed to read, "Board member Cunningham noted that the activation of ~~the Fifth Street and both sides of the waterfront~~ had been executed very well. He noted that on the public parking side, the main service corridor included trash receptacles *and questioned the option to increase total GLA to include retail frontage onto the parking lot.*"

Board member Cunningham noted that page 7, paragraph 7, should be changed to read, "Board member Cunningham *reflected on past experience of the Bridgeside Center, and* did not believe that the goals of the Bridgeside Center were able to be achieved in terms of the tenant spaces."

Board member Cunningham noted that page 11, paragraph 5, read, "Board member Cunningham believed the wood trusses were a good idea, and suggested burying them halfway into the ground to allow them to stand up." He noted that he had tried to reference the point that the Board should look at how they worked structurally, so they could stand up without having to bury them halfway into the ground.

Vice President Cook noted that page 10, paragraph 2, should be changed to read, "Vice President Cook would like the public right of way to *include use* ~~use~~ the sidewalks..."

Board member Kohlstrand noted that page 12, paragraph 4, read, "A discussion of the site circulation, paseos and the gateway entrance ensued." She believed that lengthy discussion addressed the establishment of public streets in this development, as opposed to just having driveways. She requested that the minutes reflect the discussion addressing public versus private streets, as well as the tradeoffs between parking and establishing public roads with sidewalks on both sides. She also believed that the Planning Board had specifically asked for the developer to return with one to three options for the sidewalks. She believed that one option was examining a full public street on the north-south roadway, and that another one was redoing it slightly and establishing sidewalks on both sides.

President Lynch noted that page 9, paragraph 1, read, “President Lynch cautioned against using terms such as high-end and low-end retail establishments, and cited the success of Panda Express, and the fact that Yan Can Cook restaurants are no longer open.” He noted that the point of his comment was not that Panda Express has been successful, but that some individuals would refer to Panda Express as high-end, and that some individuals would refer to Panda Express food as low-end. He emphasized that was why he recommended caution regarding terms of “high-end” or “low-end” as it related to food establishments.

Board member Cunningham moved approval of the minutes as amended.

Board member Kohlstrand seconded the motion, with the following voice vote – 6. Abstain – 1 (Mariani). The motion passed.

5. AGENDA CHANGES AND DISCUSSION: None.

6. STAFF COMMUNICATIONS:

a. Future Agendas

Mr. Thomas provided an update on future agenda items.

7. ORAL COMMUNICATION:

Mr. Kirk Knight, 1316 Regent Street, Gallagher & Lindsey, noted that he was a Realtor, and noted that he had communicated with Ms. Woodbury and Mr. Thomas, as well as Mr. Garrison and other Planning staff. He requested clarification whether the City wanted to attract and retain professional practices in Alameda, such as doctors, dentists, lawyers, CPAs and other licensed professionals. He expressed concern about a professional building that was built seven years ago, which he and several other individuals would like to purchase. He noted that he would like to own only a portion of that building, in the form of condominium ownership. He noted that he was told this would require a Use Permit; he added that the building has been solely used for medical, dental and professional uses for 55 years, and that no aspect of the use would be changed. He noted that there would be a costly four-month delay in order to find out whether he could purchase the building in that manner. He noted that his appraiser informed him the building may be worth several hundred thousand dollars less by that time, and that he would not know for months whether he would need additional parking or pay in lieu fees. He did not believe this was an appropriate way to do business. He noted that the City’s transfer tax revenue was greater than property tax, and would like to convert classic office buildings into office condos.

President Lynch noted that further discussion of this issue could be agendized, and added that the Board could not have the authority to render a decision as it related to an item under Oral Communication.

Ms. Mooney advised that the Board may ask a brief question, direct staff to take further action, or request that an item be agendaized for discussion.

Mr. Thomas noted that the building was in a residential zone (R-5), but the City had no record of any commercial Use Permits for the uses. Staff has advised the applicant that he should submit for the Use Permit and the commercial condominium at the same time. Before a commercial condominium may be approved in a residential zone, the Use Permit would be the mechanism to ensure that a commercial use would be possible and acceptable.

Board member Cunningham recalled an earlier Use Permit application for a dentist office in a house, which was denied due to strong opposition from the neighbors.

Board member Ezzy Ashcraft inquired about the four-month time period referred to by Mr. Knight. Mr. Thomas noted that there were internal actions that needed to be taken, as well as 20-day noticing requirements.

President Lynch noted that when this kind of project is taken on, he encouraged the speaker to be mindful of the various Building Codes. He wished the speaker success in this project.

8. CONSENT CALENDAR: None.

9. REGULAR AGENDA ITEMS:

9-A. 2007-2008 Election of Planning Board Officers

Board member Kohlstrand moved to nominate Vice President Cook as President of the Planning Board.

Board member Mariani nominated Board member Cunningham as Vice Chair of the Planning Board.

Board member Cunningham thanked Board member Mariani for the nomination, and respectfully declined.

Board member McNamara nominated Board member Kohlstrand as Vice Chair of the Planning Board.

Board member Cunningham seconded the motions, with the following voice vote – 7. The motions passed.

9-B. Initial Study IS05-0001; Planned Development Amendment PDA05-0001; Major Design Review DR05-0010; Use Permits UP06-0003, UP06-0010, UP06-

012 and UP06-0013; – Applicant: Safeway, Inc. 2234 Otis Drive (adjacent Alameda Towne Centre) (DG). The applicant requests approval of Planned Development Amendment, Major Design Review and Use Permits allowing the demolition of an existing bank building and redevelopment of the property with a gas station. The project includes three covered pump islands, each containing three pumps, for a total of eighteen pumping stations. Fuel will be stored in three 20,000 gallon underground storage tanks. In addition to the approximately 7,500 square-foot canopy covering the gasoline pumping facilities, the project includes an approximately 625 square-foot building, housing the cashier's desk, restrooms and retail sales of convenience items. The applicant is proposing twenty-four hour operations and the sale of beer and wine. An Initial Study / Mitigated Negative Declaration has been prepared for this project. Mitigation measures have been identified that will reduce potentially significant impacts to a less than significant level. The site is located within a, Central Business District with Planned Development overlay Zoning District (C-2-PD). **(Continued from the meeting of June 25, 2007.)**

Mr. Garrison presented the staff report and recommended approval of this item.

The public hearing was opened.

Dan Goldwin, project architect, noted that on June 23, 2007, the Board requested that the number of pumps be reduced. He noted that they accomplished their goal of keeping the driveway openings to less than 70 feet, and that they were now 62 feet.

In response to an inquiry by Board member Mariani regarding peak hours, Mr. Thomas replied that Condition 14 stated that they would be 7:00-9:00 a.m. and 4:00-6:00 p.m. on weekdays. On weekends, peak hours would be 11:30 a.m.-1:30 p.m. No fuel trucks would be allowed to make deliveries between those hours.

Dorothy Reid spoke in opposition to this project, and noted that from the beginning of the project, she believed this would be the worst possible location for this gas station. She noted that it backed up into a very narrow roadway, and that traffic jams were already occurring with the center being 50% leased. She believed the gas station would be better located in the corner of the center. She inquired how much room for error there was in the truck turning space, and noted that she was very concerned about the two second left turns. She inquired how the tanker truck could leave the center without if couldn't turn into the gas station to get onto Otis Drive. She was also concerned about where the Safeway.com trucks would be parked. She expressed concern about Mitigation 6 on page 8, which stated that the traffic light would be installed in 10 years. She realized that the stoplight was included in the CIP, and that the 10-year period would give the City some leeway, but she did not understand why a mitigation would take 10 years to install.

She requested clarification of Mitigation #7, which stated that the applicant will have Otis Drive go right in and out *if* a traffic signal is installed. She understood that a traffic signal must be installed, and inquired when that would occur. She believed that the five-year monitoring period in Mitigation #8 was too short a period of time, and believed the

impacts should be monitored for 10 years. She noted that Condition #13 allowed the applicant 30 days to notify that there biodiesel pump would not be installed, and believed that should be a longer notice period. She noted that Condition 14 addressed gas station peak hours, not the shopping center peak hours. She believed there should be consideration for the shopping center peak hours, and believed that the fuel delivery should be made in the early morning hours to avoid peak hours. She was concerned about the turning radius in Condition #19. She noted that Condition #25 reflected the recommendation from the Police Department, and noted that the police did not state that 24-hour operation would deter crime. She was concerned that it may attract crime, and would like the 24-hour operation to be reconsidered.

Ms. Claire Risley, 2202 Grand Street, requested that the Planning Board not approve this project until the ingress and egress to the Safeway fuel station could be designed in a manner that does not violate the truck route ordinance. Alternatively, she requested that the approval be condition in order to minimize deviation from established truck routes. She noted that the entrance and exit were on a part of Otis that was not a truck route, and displayed a map of the truck routes. She believed the nearest and shortest deviation would be from the intersection of Otis Drive and Park Street, and requested that any approval be conditioned to require trucks to follow that route.

Mr. Matt Francois, Cassidy, Shimko, Dawson and Kawakami, land use counsel for Safeway, noted that the truck routes had been thoroughly reviewed by the City's engineering staff and determined to meet the requirements of the City Code regulations. He noted that City Code allowed for minor deviations where it may be impracticable to use the truck routes. He noted that the Alameda Towne Centre had been the site of two former gas stations, which likely use the same routes as proposed by Safeway. In order to minimize the potential for traffic, Condition 14 was imposed; as agreed to by Safeway, it would limit deliveries to non-peak hours. He noted that Safeway was committed to providing biodiesel fuel. The applicant requested the flexibility to determine whether or not there was a demand for this product in the market. He did not believe there would be a nexus to impose a condition limiting the time limit on that requirement, because no impacts were indicated that would need to be mitigated through such a condition. He noted that the queuing impacts had been thoroughly analyzed by an independent traffic consultant retained by the City to review those impacts, and determine there would be no adverse impacts. They believed the monitoring conditions were adequate, and did not believe that 10 years would be reasonable.

The public hearing was closed.

In response to an inquiry by Board member McNamara regarding the truck routes, Mr. Thomas noted that the truck route map showed the designated truck routes. He noted that, trucks clearly needed to leave truck routes, and cited moving trucks as an example. He noted that trucks making deliveries to each retailer needed to leave the truck route.

Board member McNamara requested further clarification regarding truck turning radii.

In response to an inquiry by Board member Kohlstrand about the hours and access points for the trucks, Obeid Khan, Public Works, replied that Condition 19 required that the final design should incorporate adequate turning radii.

In response to an inquiry by Board member Mariani regarding the peak hours, and the period of time between 9 a.m. and 4 p.m. She noted that Lum School, Wood School and Alameda High School were very close to this center; she was very concerned about the safety of children being transported after school. She did not believe that any tanker truck should be allowed in that area between 7 a.m. and 6 p.m. She added that the senior homes and convalescent hospital were also in close proximity to the center.

Board member Cunningham inquired about the number of deliveries per day. Mr. Garrison replied that the applicant had stated it would be approximately once per day.

In response to an inquiry by Board member Kohlstrand whether one delivery a day would pose a hardship to Safeway, Mr. Golwin replied that it would be an inconvenience to them, and that it would take more planning to get the fuel to the site. He noted that because Alameda was an island, any delay in allowing the delivery to be made may result in the gas station running out of fuel. He noted that a fuel truck must deliver an entire load, and that if the station has not sold enough gas to accommodate a full fuel load, that entire delivery will have been lost. He was concerned about the impact to consumers if the gas station were to run out of gas. He noted that there were no better trained drivers than fuel tanker drivers, and noted that the current hour restrictions were probably appropriate. He suggested that some flexibility would allow the tankers to make deliveries while accommodating events such as a parade.

President Lynch was reluctant to impose an all-day restriction on fuel delivery.

In response to an inquiry by Board member Kohlstrand about the increase in size of the kiosk, Mr. Golwin noted that there was originally a front entrance to the kiosk, allowing goods to be stacked on either side. He noted that the new design allowed customers to enter from the side from the pump islands. He noted that the 650 square-foot kiosk has been reduced to 604 square feet.

Board member Ezzy Ashcraft noted that the Board recently heard a proposal the Alameda Landing development, which included various green elements. She added that Clif Bar would transport its baked goods from Southern California on trucks fueled by biodiesel. She noted that Safeway's use of B-10 could be run in current diesel engines. She suggested that Condition 13 be removed altogether, and inquired why Safeway would want to be associated with biodiesel if it wanted the exit clause within 30 days. She noted that while there had been news articles about the viability of green fuels in the Pacific Northwest, she believed that the Bay Area and California in general were equally environmentally conscious. She noted that Safeway was a California-based corporation, and that protection of the environment was an important issue to her.

Vice President Cook wished to address Mitigation Measure 8, which addressed accidents and queues. She was concerned about the area around Wells Fargo, and did not feel comfortable making Findings 4 and 10, which addressed whether the project would have negative impacts on the adjacent uses.

Board member Mariani noted that she agreed with Vice President Cook's comments. Her objections deal with the non-peak hours, which include times when children are just getting out of school, walking around, or riding bikes; parents were driving children to Towne Centre for after-school activities during those times. She stated that the gas station was in close proximity to the hospital and many convalescent homes with patients walking around the area. She felt this was a major safety concern.

Board member Cunningham noted that he did not want to see the uses in Alameda intensified so much that traffic would come to a stop; however, he was willing to accept the fact that there would be some impacts as the Island developed in certain ways. He noted that he was careful to assess when the impacts would become too severe and unacceptable. He noted that the City and applicants had come a long way in mitigating the potential impacts of this development on the area. He noted that a drive-through restaurant would like to create more traffic through the area than this use. He believed it would be unrealistic to prohibit gas tankers from driving through the Island.

Board member Cunningham noted that Conditions 22 and 23 relating to stormwater runoff, recommended runoff into a swale "if possible." He inquired whether the Planning Board could determine at this time whether it was possible rather than leaving the item open. He would like to tighten the wording up to state that surface drainage would go into the grassy swale. He would like to filter the contaminants and hydrocarbons from the gas station.

In response to an inquiry by President Lynch, Mr. Khan confirmed that these Regional Water Quality Act regulates storm water run off operations.

Vice President Cook wished to commend the applicant on their responsiveness to the Board's comments, and believed this was a very nice-looking gas station. She noted that her site concerns precluded her from voting for this resolution, but she appreciated the amount of work the Board has done on this item, and how well the applicant has responded.

Board member Kohlstrand agreed with Board member Cunningham's comments, and thanked the applicant the revisions to the project, as well as their patience while the hearing was rescheduled. She believed that Mitigation 7 should be amended to read, "The applicant shall limit the Otis Drive driveway to right-in, right-turn-out when the traffic signal is installed."

Board member Ezzy Ashcraft noted that the staff report stated that "Condition 13 was included in the Draft Resolution to reflect the applicant's commitment to install and advertise a biodiesel product." She inquired whether biodiesel would be sold, and noted that the language in Condition 13 did not reflect much of a commitment to install,

advertise or sell biodiesel. She would like further information from Safeway; otherwise, this did not seem to be much of a condition at all to her.

President Lynch noted that he was hesitant to mandate a particular item for sale, as the community evolved, especially with respect to alternative fuels. He believed that Safeway would sell as much biodiesel as the market is willing to bear. He hoped that a lot of biodiesel would be sold.

Mr. Thomas advised that the April 23 resolution had no mention of biodiesel, and that it was initiated by the Board. Safeway had agreed to include it, and it was discussed by Safeway Gas. Staff initiated the conversation to define and gauge Safeway's commitment to biodiesel.

Board member Mariani said that she would like to modify the delivery hours to reflect her safety concerns.

Board member Kohlstrand noted that this was a big shopping center that would have other truck traffic, and would be more comfortable leaving the restrictions as proposed by staff.

Board member Ashcraft believed that Condition 13 should be retained as a reminder that Safeway as a California corporation has a commitment to the Bay Area environment.

Board member Kohlstrand moved to adopt Planning Board Resolution No. 07-__ to adopt a Planned Development Amendment, Major Design Review and Use Permits allowing the demolition of an existing bank building and redevelopment of the property with a gas station. The project includes three covered pump islands, each containing three pumps, for a total of twelve pumping stations. Fuel will be stored in three 20,000 gallon underground storage tanks. In addition to the approximately 7,500 square-foot canopy covering the gasoline pumping facilities, the project includes an approximately 625 square-foot building, housing the cashier's desk, restrooms and retail sales of convenience items. The applicant is proposing twenty-four hour operations. An Initial Study/ Mitigated Negative Declaration has been prepared for this project. Mitigation measures have been identified that will reduce potentially significant impacts to a less than significant level. The following modifications will be added:

1. Condition 7 regarding the traffic light will be changed to replace the words "if possible" with the word "when possible"; and
2. Condition 22 and 23 will be modified to delete "where possible" regarding swale drainage.

Board member Cunningham seconded the motion, with the following voice vote – 5. No: 2 (Cook, Mariani). The motion passed.

10. WRITTEN COMMUNICATIONS:

Board member McNamara noted that she had submitted an email to staff, expressing her concern and frustration, in that the Bridgeside Center had been frequently referenced in

negative terms as it relates to current items under review with the Alameda Landing project.

Board member Mariani thanks Board member McNamara for writing this email, which reflected her own concerns about the Bridgeside Center.

President Lynch believed this was a compliance issue, and would like staff to respond to these concerns. He suggested that the staff response be agendaized.

Vice President Cook would like the staff report to include the final approval for the Board's review and reference. She noted that the Planning Board was very painstaking in the details of this approval. She would like to have a site tour, and believed it was important to have the facts in order when further addressing the issue.

Board member Cunningham would like to know if the developer had a reason for the empty spaces in the center.

Board member Ashcraft noted that she had visited the gaming store and met the owner, and that it was very attractive inside. She recommended that when discussing how the Bridgeside Center could be made nicer, the Board should emphasize that it is not criticizing the hard-working individual business owners.

President Lynch believed that it was important for the Board to recognize the public process, and it was difficult to keep the larger issues in sight while focusing on the individual issues. He believed it was important to take a step back and lay out the guiding principals of what the Board would like to see. He would be open to setting up a subcommittee to allow people to work on this issue. He believed the applicant should present the plan to the Board, and allot the appropriate time to examine the issues without being rushed.

Board member McNamara understood that the Board's role did not cover which retailers went into a center.

Board member Cunningham noted that he was part of the subcommittee formed for the Bridgeside issues.

Vice President Cook inquired how the Board would be capable of designing the space to achieve a planning goal, when it would not be allowed to dictate use. She noted that the Board worked very hard to design the space to have two front doors, with the notion of placing the Starbucks there. She noted there was some movement in land use planning to be more specific with respect to the type of use and size. She would like further clarification on the Board's ability in that regard. She noted that the development agreement had a list of nonpermissible uses.

Mr. Thomas noted that was an issue staff could explore with future developments. He noted that the City could zone a site MX, which would require a Master Plan, such as

Grand Marina or Catellus. He noted the Master Plan could allow more specificity with respect to uses.

Board member Mariani noted that she enjoyed shopping at Nob Hill Foods, and that Bridgeside was a good center, but she was very concerned about the size and location of the transformers.

Vice President Cook would like to initiate a conversation between the Planning Board and the Alameda Bureau of Electricity with respect to the size of transformers and utilities placed in visible aesthetic locations.

President Lynch believed the City needed to consider structural changes to the process, and that the City may want to consider a committee to be empowered to do something outside a Board's normal scope of work. He believed that would be a large undertaking that would take make years. He did not believe that all authority could be vested with one body.

11. BOARD COMMUNICATIONS:

- a. Oral Status Report regarding the Oakland/Chinatown Advisory Committee (Board Member Mariani).

Mr. Thomas noted that the meeting scheduled for the previous week had been cancelled. It has been rescheduled for August.

- b. Oral Status Report regarding the Transportation subcommittee (Board Member Kohlstrand).

Board member Kohlstrand noted that a meeting had been held on June 26. The subcommittee reviewed the work scope for the Pedestrian Task Force, and they intended to take the policies related to pedestrians from the Transportation Element to develop an implementation plan that could be passed on to the Capital Improvements Program.

Vice President Cook noted that there was still time to submit the Pedestrian/Bicycle survey on the City's website.

President Lynch noted that he had recently attended a workshop with respect to bus shelters, and believed that Alameda could take the lead in that regard.

- c. Oral Status Report regarding the Alameda Climate Protection Task Force (Board Member Cunningham).

Board member Cunningham noted that they would meet on July 10, 2007, at 6:15 p.m. in Room 360. They would examine transportation and land use elements of the General Plan. They intended to categorize and prioritize items within those two categories. The next meeting would be July 18, 2007, to discuss the energy, waste and outreach items.

Vice President Cook wished to thank President Lynch for his tenure as Planning Board president, and particularly liked his welcoming demeanor and effort to educate the public during the public.

President Lynch believed that Alameda was a very special place in a positive way, and that it was his desire to elevate the Planning Board from the mundane.

12. ADJOURNMENT: 9:27 p.m.

Respectfully submitted,

Andrew Thomas, Secretary
City Planning Board

These minutes were approved at the July 25, 2007, Planning Board meeting. This meeting was audio and video taped.